



“How can these things be?”

An Enquiry into a Social Question,

and into

The truth of certain Representations made respecting it.

BY

A PHYSICIAN.

R37880

THE CONTAGIOUS DISEASES ACTS.

EVIDENCE GIVEN BEFORE THE COMMITTEE,
AS IT WAS—AND AS IT IS REPRESENTED BY THE
“BRITISH MEDICAL JOURNAL.”

In the *Journal* of 28th February, 1880, p. 344, it is stated:—

“The evidence given by Sir William Muir and Inspector-General Lawson of course related to the influence of the Acts upon the whole army, while that of Dr. Robinson and Mr. Myers dealt especially with the effect that had been produced in their respective regiments since the Acts had come into operation.”

“The evidence given by these witnesses was most valuable and showed conclusively that the Acts have already brought about an immense improvement in the health and efficiency of the soldiers in the protected districts. Mr. Barr’s evidence proved beyond doubt that immense improvement had occurred, both physically and morally, in the condition of the prostitutes in the district about Aldershot.”

“Mr. Bond was of opinion that the Acts should be extended to all professional prostitutes throughout the country.”

Again, the *Journal* of 20th March, 1880, at p. 455, states, with reference to the evidence of Dr. Nevins, an opponent of the Acts:—

“It is not necessary to follow Dr. Nevins further at the present time. It will be sufficient to mention that, during the whole course of a long examination, he did not bring forward any facts or arguments whatever *which really tend to lessen the value of evidence* given before the Committee last session, when *the immense benefit that has resulted* both to the soldiers and to the prostitutes in the districts where the Acts are in operation, *was abundantly proved.*”

To what extent these statements are true, the following evidence will show :—

EVIDENCE OF SIR WILLIAM MUIR, the Director-General of the Army Medical Department.—Taking the men *constantly in hospital* for *primary* venereal sores, the ratio per 1000 men in the *subjected stations* was 4·46 in 1870, the first year of universal periodical examination, and it was 2·61 in 1877. In 1878, it rose to 3·14 per 1000.

In the *unsubjected stations*, the ratio constantly sick in 1870 was 9·74 per 1000, which fell to 6·23 per 1000 in 1877, and rose to 8·80 in 1878. [N.B.—The ratio of disease was so suddenly and largely affected in 1878, by calling out the reserves, that Sir William Muir advised the Select Committee to leave that year out of consideration.] The reduction in the number of men constantly in hospital with *primary* venereal sores, in the fourteen subjected stations, was therefore *barely one man and a third* (1·32) per 1000 men, after eight years of the most perfect working of the Acts; while in the fourteen unsubjected stations, the reduction in the number of men constantly in hospital was *nearly one man* (0·94) per 1000.

The difference in favour of the subjected stations amounts, in the eight years of the most complete operation of the Acts *to less than half a man per 1000*.

No information has been given as to the number constantly in hospital from gonorrhœa; but every Army Report has stated that gonorrhœa was higher in the subjected than in the unsubjected stations until 1873, when concealment of disease invalidated the statistics.

Absence of benefit from gonorrhœa is acknowledged in answers from 240 to 263.

Increase of secondary syphilis is acknowledged in answer to questions 203-5.

“ I understand you to say that you consider the statistics do show that there has been a fall in secondary syphilis, (which is the true syphilis,) consequent upon the operation of the Acts ?” Sir William Muir answers: “ That is my opinion.” When pressed as to where the improvement was shown, he says, in answer to question 198, “ Have the proportions between secondary and primary syphilis enormously changed ?” “ Yes, to some extent.” “ That the reduction had been in primary and not in secondary syphilis” (ans. to question 199). “ That the proportion of secondary to primary syphilis has risen from 1 to 3 to 1 to 2 during the operation of the Acts” (ans. to question 207). “ That the proportion of the true infecting sore is increased” (ans. to question 207). “ That the reduction had been in the simple sore, not so much in the syphilitic sore” (ans. to question 311). “ That the disease, the main object to which the Acts referred, was constitutional syphilis” (141).

The saving of efficiency claimed as the result of the Acts (questions 60, 61, 62).

“ In your opinion, an addition of 190 men to the force of the army per day, up to 1875, is the extreme limit of success produced by these Acts ?” Ans. : “ Yes, up to 1875 ; I have not brought it down to the present day.”

Question 153 : “ What I want to ask you is this : When you say that there would be a saving of efficiency of 190 men to the home army, I presume you mean that 190 more men, in the army of 80,000 or 85,000 men, would be on parade instead of in hospital ?” “ Yes, certainly.”

Comment.—At the utmost 190 men in the *whole* army, or one man in 400, is all that is claimed as the saving by the Acts ; and from this saving must be deducted the unknown number lost from the excess of gonorrhœa, and the increased number lost from secondary syphilis in the subjected stations.

THE SAVING OF EFFICIENCY CLAIMED IS NOT APPARENTLY WHOLLY DUE TO THE ACTS.

Question 154 : "When we come to the year 1873, and the soldier finds that he loses his pay if he goes into hospital, there is a very large amount of reduction of inefficiency, is there not?" "There is."

Question 168 : "When you find the amount of the efficiency of the army largely increased the moment you fine soldiers for going into hospital, does not it occur to you that that inefficiency is not as serious as it is sometimes supposed? You will probably admit that there is something exaggerated in that supposition?" "Certainly."

INSPECTOR-GENERAL OF HOSPITALS, MR. LAWSON'S, EVIDENCE.—Mr. Lawson makes a total claim of 387 men saved daily; but when asked to give the calculations by which he had arrived at the daily saving, he informed the Committee that "it is a complicated calculation, I cannot go through it this moment, but it is considerable" (1081). But, from the data which he had already placed before the Committee, Mr. Ernest Noel made the calculation at once, and found that it was 5 and a small decimal per 1000 (1086), in which Mr. Lawson acquiesced.

The difference between Sir William Muir's saving of 190 and Mr. Lawson's of 387 is a hypothetical one, as both are dependent upon the assumption that but for the Acts there would have been so much more disease than there really is. Mr. Ernest Noel remarked on the amount claimed by Mr. Lawson, "Then the statement that these Acts would save something like one or two regiments—I have heard it said three or four, but we will say one or two, say 2000 men—is quite inaccurate" (821).

EVIDENCE OF DR. ROBINSON, SURGEON-MAJOR SCOTS GUARDS.—Question : "In 1868 the Act came into force in Windsor; will you kindly give the Committee *your* experience

of the operation of the Act with regard to the soldiers *who were under your medical charge?* Ans.: "The operation of the Acts was most favourable to the diminution of disease at Windsor" (2082). Question: "How soon did any amelioration show itself?" Ans.: "The amelioration showed itself immediately that the Act was put in force there" (2083).

Comment.—It would scarcely be imagined from this answer that Dr. Robinson had had *no experience of his own whatever since 1868*, but that such is the case is shown by these words of his, "I have not served in Windsor since 1868, but I have the recorded figures *for the year 1870*, which was the first period, after the Act, of the regiment being at Windsor" (2154). So that he informed the Committee, in answer to a question *about his own experience*, and about the men *under his own charge*, that the benefit from the Act was *immediate after 1868*, although he was *never at Windsor at all himself*, and *his men were not there until two years after the time of which* he spoke so confidently. After this we are scarcely surprised to find, from the Army Reports, that so far from the Acts being followed by *immediate benefit*, disease *rose in Windsor from 58 in 1867, to 136 in 1868, the year the Act was introduced*; and that it never fell down to its original standard until concealment of disease, arising from the stoppage of pay order of Lord Cardwell, invalidated the statistics.

EVIDENCE OF MR. MYERS, SURGEON COLDSTREAM GUARDS,—*Secondary Syphilis*: No evidence. *Gonorrhœa*: No evidence; Mr. Myers "would doubt whether it was considerably benefited." *Primary Venereal Sores.*—*Assertion*: This form of disease is less in Windsor under the Acts, *than in London* not under them. This is not disputed; but it is *less still* in the majority of the stations *not under the Acts than it is in Windsor*; therefore there is no proof that the Acts have made the difference at Windsor.

EVIDENCE OF MR. BOND, SURGEON TO THE A DIVISION OF METROPOLITAN POLICE.—Mr. Bond has had no practical acquaintance with the working of the C.D. Acts, as they do not apply to the Police, or to London.

Mr. Bond, nevertheless, would extend the Acts to all "professional prostitutes" all over the country (3125). But he gives no definition of the terms "professional" or of "prostitute," any more than the Acts do themselves.

He "would extend the Acts to the whole population (3127). He would apply the Acts to women, but not to men" (3141-3); "because the one make a trade of it, and the other do not" (3144); "the one does it constantly, and the other only occasionally" (3146).

He wishes to have the power of unlimited detention of women. He "could not have cured many of them, except by a year's constant treatment. Many of them stayed against their will, being detained compulsorily (3099) over twelve months" (3102). "I think the power of detention should be unlimited" (3103). In other words, he wishes an Act of Parliament to be applied to an undefined class of women throughout the whole kingdom, which shall confer upon lock ward and lock hospital surgeons the power of unlimited detention of any such women, who may be found to be diseased or may be represented as being diseased by the said surgeon or surgeons of such lock ward or lock hospital, to which the said women have been *compulsorily* sent (Sections 15 and 16, C.D. Acts, 1866 and 1869). Their being subject to the Acts at all depending on the mere word of a policeman that he has good cause to believe that the women in question are "common prostitutes." There is no definition in the Contagious Diseases Acts of the term "common prostitute." The interpretation is left entirely in the hands of the police.

The following are some of the interpretations, taken from the evidence before the various Committees of Enquiry on the subject.

Superintendent Wakefield "would bring under the Acts a woman who obtains a livelihood by honest employment, if she commits immorality with a man;" or a woman who "occasionally commits herself with men."

Superintendent Anniss would immediately put on the register a woman "who receives men in a private way in her own house."

Inspector John Smith, questioned, "To what class of life do clandestine prostitutes belong?" says, "As a rule, labourers' daughters and people of that class."

Dr. Barr, Examining Surgeon, Lock Hospital, Aldershot, says, in reply to the same question, "Dressmakers, married women, the wives of labourers and small tradesmen, and domestic servants, of course." In his recent evidence before the Select Committee, he states that "many married women (soldiers' wives) to gain a few shillings, sell their favours to those in the regiment."

Mr. Waylen, of Colchester, in answer to a question about clandestine prostitution in Colchester, says, "I think there are a great number of young women, who work in factories and machine works, at whom the police have no means of getting."

Mr. Parsons, Examining Surgeon, Portsmouth Hospital; Hospital Surgeon, Portsmouth Hospital; and Justice of the Peace, Portsmouth; the man who, in his capacity of Examining Surgeon, examines women; the man who, in his capacity of Hospital Surgeon, is the individual to whom a woman is to appeal against the mistaken or prejudiced judgment of the Examining Surgeon; and lastly, the man who, in his capacity of Justice of the Peace, is the person to whom the woman can appeal as an ultimate resource against being examined at all, and also against the judgment of both the Hospital Surgeon and Visiting Surgeon.

Mr. Parsons, J.P., on the word of a policeman that "he

has good cause to believe that the woman is a common prostitute," orders her to be examined.

Mr. Parsons, Examining Surgeon, examines the woman.

Against his judgment, the woman may appeal to that of *Mr. Parsons, Hospital Surgeon*; and against the judgment of these two, she can appeal finally against being placed on the roll of infamy as a "registered woman, under the power of the police for twelve months," whether she remains single or marries (Sec. 32, C.D. Acts, 1866 and 1869), to *Mr. Parsons, Justice of the Peace*.

This man of three offices, in reply to the question, "Must a 'common prostitute' be making her livelihood by it?" says, "She ought to be; but if you confine yourself to that definition, all I can tell you is, that your Act will not succeed."

EVIDENCE OF DR. BARR, EXAMINING SURGEON AT THE LOCK HOSPITAL, ALDERSHOT, AND ALSO VISITING SURGEON TO THE HOSPITAL, in whom the woman is supposed to have protection against the prejudiced or mistaken judgment of Dr. Barr, Examining Surgeon. He informed the Committee that, from his great desire to benefit the prostitute class in health and character, he had given up his private practice, and applied for the office, under the Government, of Surgeon under the Acts (2042).

The British Medical Journal says—28th February, 1880—that Dr. Barr's evidence proved beyond doubt, that *immense improvement* had occurred both physically and morally in the condition of the prostitutes in the district about Aldershot.

DR. BARR'S EVIDENCE.—"I do not suppose the number of 'old' women on the register is larger than it used to be" (1616). "They are called 'old' when they get towards thirty" (1617).

Now if Dr. Barr had been at the pains to inform himself on the question to which he gave the above answers, he would have found that the actual number of "old" women in

Aldershot, taking his own definition of age, is *above three times as great* as it was in 1867, and that the proportionate number is greater still. In 1867, only *one* prostitute in 38 on the register was 31 years old or upwards. In 1878, on the contrary, one woman in 5 was 31 years old or upwards. In 1867, only one woman in 7 was 26 years old or upwards. At the present time, one half the registered prostitutes are this age or upwards. (Captain Harris's Report for 1878, page 14, col. 11, 12, 13.) There are nearly twice as many women of 26 or upwards as there were when the Act was first introduced.

This extraordinary increase of "old" prostitutes proves either the almost insuperable difficulty of escape from prostitution since the Acts were in force, or else it shows that the increased gains from the limited numbers make it worth their while to continue in prostitution. In either case, the fact becomes apparent that the effect of this legislation is to retain the women in their career of vice, and to make a permanent class of such ministers to lust, instead of the temporary and casual sojourn in prostitution, that was the universal experience previous to this legislation.

The moral influence on the prostitutes produced by the Acts.—Dr. Barr says, "The women are much cleaner. I do not mean that they are more expensively dressed. Their old, dirty draggled dresses might have been more expensive than their present neater ones" (1583).

"He cannot tell whether they expect to be better paid" (1582), but "they are more attractive of course" (1584).

"He is afraid that cannot have much effect upon the men, who consort with them," and he is satisfied that "After a little time it makes some disgusted with the men. If she makes herself neat and cleanly, she will want to be a little better than that. And after a bit, if she should gain admittance to the hospital," (*i.e.*, should become diseased, and be compulsorily sent to the hospital, under penalty of

imprisonment with hard labour,) (Sections 15, 16, 28, C.D. Acts, 1866-1869,) "we teach them to read and write, and, certainly, I think that is one advantage gained by a person who gives up some amount of time to clean herself. She becomes a better woman than she was before" (1585). At first they used to swear and use bad language, and break windows in hospital, but having been kindly treated in hospital, and received much good advice, and a good number of them having been sent to prison, it has been found better to submit quietly; and now they never swear in the hospital or use bad language to the doctor, and very seldom destroy property now (1396). "When a woman under my care leaves hospital, we have nothing further to do with her. If she chooses to return to prostitution, that is her own action" (1586).

Captain Harris's Report for 1878 shows that nearly 9 out of 10 do return to prostitution immediately on leaving hospital (page 9, col. 23, 24).

Dr. Barr's conviction, nevertheless, is, that "Although they may return on more than one occasion to the hospital, each time it has apparently a still further good effect upon the majority of them" (1512).

When the women are not in hospital they are less open in their solicitation, although, "of course, there is a great deal in a garrison town that one has to shut one's eyes to" (1787); namely (1604):

That there is not less immorality among the men as a consequence of the Acts than formerly.

That "there is a certain class of women who drink an excessive amount, and eat almost everything that comes in their way, whatever the cost, and therefore they have more men, in order to satisfy their inordinate appetites" (1619).

That he is "perfectly sure that a large number of women afford intercourse to an almost incredible number of men" (1609).

That "there are some women who are utterly careless as to the number of men with whom they consort" (1611).

That "they will receive more than 20 different men in a day; the number depends altogether upon the amount of fees the woman receives" (1613-14).

That "there are a certain number of these women who will never voluntarily give up prostitution, because they like it, and they mean to pursue it" (1616).

That the women subjected to the system of periodical examination "gradually come in a more cleanly condition to the examinations than they did at first" (1364).—A fact which to Dr. Barr's mind appears to be an obvious proof of their satisfactory *moral* improvement.

The beneficial influence for good upon these women, arising from the surroundings of a well-ordered hospital, no one would undervalue; but it is equally impossible to overlook the other side of the shield. These Government lock hospitals are confined exclusively to "common prostitutes," where they are herded together for weeks, if not months, and where the old and the hardened prostitute occupies the same ward with the young girl, who has barely commenced her career of shame. This evil was acknowledged and lamented repeatedly before the Royal Commission, not only by the opponents, but by the advocates of the Acts (Royal Commission, Minutes of Evidence, 5661 to 5682, 9604, 9713, 9844, 10384-5, 10414, 10671-4, 11143, 17991-2, 18001-5).

The answer given by Mr. Westbrook, Inspector of the C.D. Police in Portsmouth, may be taken as representative of this evil. He says, (11,143) "Where there are sixty or seventy bad characters together, the conversation going on is something dreadful. I have heard girls say, who have come

out to speak to their father or mother, that they had never heard such language."

The Physical Influence on the Prostitutes produced by the Acts.—During the first half year of hospital provision in Aldershot, the condition of the prostitutes was most lamentable, as described by Dr. Barr (1822-5); and at that time the amount of disease was so great that, on an average, every registered prostitute was admitted three and a quarter times into hospital during the year. Disease fell so rapidly after hospital attendance was provided, that in the next year but one they were admitted less than two and half times (2·40); and the following year only twice.

In the year 1870, the periodical examinations were in full force throughout the subjected stations, and disease began to rise among the registered prostitutes. It has gradually risen from 2·0 to 2·5, 2·7, 3·2, 2·8, 3·2, 3·1, 3·1; *the last three years showing more disease amongst registered prostitutes, than any period for the last ten years.*

There has been a steady progressive increase of disease among the registered prostitutes, as the periodical examinations have become more firmly established and steadily practised (Captain Harris's Report, 1878, p. 9, col. 31).

When questioned on this point, Dr. Barr acknowledged that, "*There are many women who are perpetually in hospital*" (1640).